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## THE DEVELOPMENT OF RELIGIOUS FREEDOM.

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It is as clear as the sun, and is now universally admitted, except by the blind, that religious persecution is opposed to the teaching and example of the Founder of Christianity. He came to save the world, not to destroy it. He summed up the whole law in supreme love to God and love to our fellow-men. He declared that his kingdom is not of this world. He rebuked the hasty Peter for using the sword even in defense of his Master ; and he preferred to suffer and to die rather than to call the angels of God to aid against his enemies. His apostles spread the gospel by spiritual means, and condemned all carnal weapons. For three hundred years Christianity spread, and triumphed at last by the force of truth and a holy life ; the Church suffered persecution from Jews and Gentiles, but never persecuted as long as she was true to the example of her Head, who won the crown by his cross. She retained in the darkest of the Dark Ages a remembrance of this Christ-like position in the principle : *Ecclesia non sitit sanguinem*.

Persecution dates from the union of church and state, and is of essentially heathen origin. That union was the source of much good and of much evil. When Constantine the Great espoused the cause of Christianity, he transferred his power as high-priest of the state religion to his new position as the temporal head of the Church. The Christian emperors now persecuted the heathen religion as the pagan emperors had persecuted the Christian religion. Not only so, but they persecuted also every departure from the established orthodox creed ; they recognized but one legitimate form of Christianity, which was represented by the Catholic Church, and they treated every heresy and schism as a crime against the state. In this attitude they were aided by the theological dogma framed by the fathers, of the exclusiveness of the Catholic Church, which they confounded

with the kingdom of God, out of which there is no salvation. The imperial legislation from Constantine the Great to Justinian is filled with penal laws against Arians, Donatists, Manichæans, Gnostics, Montanists, Quartodecimans, Novatians, Apollinarians, Nestorians, Eutychians, and all other sects that dissented from the dogmas and canons of the ruling state Church, and who were punished as enemies of society with deposition, banishment, and even with death. These laws were incorporated in the Justinian code, which was gradually adopted, together with the canon law, all over the continent of Europe. Rome ruled once more by law as she had so long ruled by the sword, and ruled over the children of those barbarians who had broken up her empire.

England alone, favored by her isolation and protected by the surrounding sea, resisted the introduction of the Roman civil law and the canon law; she preferred her own customs, inherited from Anglo-Saxon times, and built on them her common law (or *lex non scripta*) and her statute law (or *lex scripta*). But as to her religion, England was as thoroughly Catholic, and even Roman Catholic, as any country on the Continent. The first Archbishop of Canterbury, St. Augustine, who was sent by Pope Gregory I. to convert the Anglo-Saxons, could not tolerate the older and more independent Christianity of the Britons, which was driven to the mountains of Wales. The statute on the burning of heretics was in force even to the times of Queen Elizabeth and King James. Wiclif escaped persecution during his life, but was not spared after his death, and the Council of Constance, which burned Huss and Jerome of Prague as heretics, condemned Wiclif and his writings to the flames; whereupon his remains were solemnly ungraved, burned to ashes, and cast into the brook Swift, which (as Fuller says) "conveyed them into the Avon, Avon into Severn, Severn into the narrow seas, they into the main ocean; and thus the ashes of Wiclif are the emblem of his doctrine, which now is dispersed all the world over." Five hundred years after the completion of Wiclif's Bible translation his memory was celebrated in five continents. What a change!

The mediæval persecution reached its height in the crusades against the Waldenses and Albigenses, in France, and in the Inquisition of Spain. Both were ecclesiastico-political. The Church defined and condemned the heresy, and the State punished it by the sword, using carnal force against spiritual

offenses. The Spanish Inquisition was instituted by Ferdinand and Isabella, with the express sanction of the Pope, for ridding the state of all enemies, Moors, Jews, and heretics. It is stated that during the first twenty years of its existence, from A. D. 1478 to 1498, when the terrible Inquisitor-General Torquemada resigned his office, over 8080 persons were burned alive, 6500 in effigy, and 90,004 punished in other ways. The sum total of persons condemned to death by the Spanish Inquisition during the 330 years of its existence (from 1478 to 1808) is stated to be 30,000. Roman Catholic writers, like Balmez and Hefele (the latter in his work on Cardinal Ximenes, the third inquisitor-general), in defense of the institution, question the figures of Llorente (who, however, was a Spanish priest and secretary of the Inquisition from 1789-1791), and claim for the Inquisition as a good result that it saved Spain from the horrors of religious wars, which would have cost far more victims, and might have ruined the country. But the peace of a grave-yard is much worse than war. France, Holland, Germany, and England have all passed through the ordeal of religious wars, and left Spain, once the proudest monarchy of Europe, far behind in everything that makes up the glory of a nation.

The Reformation of the sixteenth century was the grandest movement in history since the introduction of Christianity, and carried in it the modern principles of religious and civil liberty. But at first it was simply an emancipation from the thralldom of Popery, which, from being a school-master of the barbarous nations of Europe, had become an intolerable tyrant. The Reformers had no idea of religious freedom beyond their own creed, nor of a separation between the church and the state. They were intensely convinced of the scriptural truthfulness of their views, and deemed it right and proper to deny to others the right of dissent which they claimed and exercised for themselves. They appealed to the civil magistrate for the support of the new churches and the suppression of heresy. The Lutheran princes in Germany and Scandinavia acted on the principle *Cujus regio ejus religio*, and made themselves supreme bishops or little popes in their territories. The republican magistrates of Zurich, Bern, Basel, Geneva, and other Swiss cantons, did the same. In England this principle was carried to the extreme of Erastianism. Henry VIII. simply cut off the Roman head from the English hierarchy and put his own crown on the bloody

trunk. He called himself the "supreme head" of the Church of England, and his daughter Elizabeth, being a woman, only softened it into "supreme governor." Anabaptists and Socinians were persecuted in Protestant as well as in Roman Catholic countries. The only difference is in the extent of persecution and the degree of severity, in which Romanism has an unenviable preëminence, because it had more power and once ruled supreme in Europe.

Calvin consented to the burning of Servetus, by the civil authorities of Geneva, for denying the trinity and the divinity of Christ, though he had begged the magistrate in vain to mitigate the punishment by substituting the sword for the fagot. The burning was fully justified by all the surviving reformers, Farel, Beza, Bucer, Bullinger (Zwingli's successor in Zurich), and the mild and gentle Melancthon. Beza called liberty of conscience a diabolical dogma. Castellio, once a friend, then an enemy of Calvin, and expelled from Geneva, was the only Protestant of that age who denounced the execution; and he did it for the rationalistic reason that errors on speculative doctrines, as the trinity, predestination, etc., which are impenetrably obscure, have no influence on morals, and are therefore innocent. Luther and Zwingli, who had died long before that tragedy in Geneva, might possibly have disapproved of its severity in obedience to their liberal instincts. Luther once made the excellent remark that if heretics were to be burned the hangman would be the best theologian; but Luther would not have tolerated Zwingli or Œcolampadius in Saxony, whom he refused to acknowledge as brethren at Marburg, though they agreed in fourteen out of fifteen articles of doctrine, and differed only on the mode of Christ's presence in the eucharist. The Melancthonians (or Philippists), Krypto-Calvinists, and all professors, clergymen, and school-teachers who would not subscribe to the Formula Concordiæ of 1577, lost their places in Saxony; and Chancellor Nicholas Crell, who had supported Calvinism, was, after ten years imprisonment, beheaded at Dresden as a traitor (1601). "Since that time the name of a Calvinist became more hateful in Saxony than that of a Jew or Mohammedan." In Scandinavian countries, till within the memory of men now living, Lutherans only were allowed the privilege of public worship and the rights of citizenship. In England, the penal laws, enacted under Queen Elizabeth, were a systematic attempt to uproot every form of dissent.

whether Roman Catholic or Protestant, and were carried out with cruel severity. John Knox declared that one Popish mass in Scotland was more obnoxious and dangerous than a French army of invasion. Archbishop Laud was as bigoted and intolerant as any Inquisitor in Spain. The Puritan Assembly of Westminster expelled two thousand beneficed Episcopal clergymen, and Charles II. on his restoration took double vengeance on the Non-conformists in England and the Covenanters of Scotland. Cromwell was the most tolerant of the statesmen of the seventeenth century, but even he exempted "Popery and Prelacy" from his scheme of toleration. Milton, the most eloquent advocate of liberty in the English tongue, made the same exception. Baxter was comparatively liberal, yet he pronounced universal toleration to be "soul-murder," and "the way to man's damnation." Jeremy Taylor, when in exile, eloquently defended the principle of toleration in his "Liberty of Prophesying," but abandoned it when the Episcopal Church regained her power, and apologized for the publication of that book.

Nor is our own America free from the reproach of persecution. The first English settlers fled from persecution in their native land, and sought freedom of worship for themselves, but for themselves only. With the exception of the Baptist colony of Rhode Island, the Quaker colony of Pennsylvania, and the Catholic colony of Maryland (in its earliest stage), the principle of state churchism was as fully recognized and established in our colonial period as in England. Congregationalism was the established Church in Massachusetts and nearly all New England; Episcopacy in Virginia, the Carolinas, and New York. There was a time when dissenters were fined, imprisoned, exiled, and even hanged for religious opinions, to the extent of the power of the civil authorities of our free country, even in the enlightened State of Massachusetts, and such persecution was justified on the basis of the union of church and state.

Wherever this principle is acknowledged and established, persecution becomes even a duty of conscientious rulers. The worst persecutors among the Roman emperors (with the exception of Nero, who persecuted the Christians, not for religion, but on the false charge of incendiarism) were influenced by motives of patriotism and duty to the integrity of the ancestral religion, and are numbered among the best emperors — Trajan, Marcus Aurelius, Decius, Diocletian, and Julian. And so we

must dismiss the idea that every Christian persecutor is necessarily a bad man. The great and good St. Augustine was the first among the fathers who formulated the very principle of persecution by his famous misinterpretation of "Compel them to enter in."\* Innocent III., who inspired the horrible crusade against the Albigenses and Waldenses, was one of the purest, as well as ablest, among popes. Cardinal Ximenes, the Inquisitor-General of Spain, is the originator of the first Polyglot Bible, now one of the rarest and costliest books. Calvin, who burned Servetus, is not only the greatest theologian among the Reformers, but surpassed them all in zeal for purity of doctrine and holiness of life. Lecky, who abhors persecution, fully acknowledges this fact, and goes so far as to say (in his able "*History of Rationalism in Europe*," vol. I., pp. 353, 354):

"The burnings, the tortures, the imprisonments, the confiscations, the disabilities, the long wars, and still longer animosities, that for so many centuries marked the conflicts of great theological bodies, are chiefly due to men whose lives were spent in absolute devotion to what they believed to be true, and whose characters have passed unscathed through the most hostile and searching criticism. In their worst acts the persecutors were but the exponents and representatives of the wishes of a large section of the community, and that section was commonly the most earnest and the most unselfish. It has been observed, too, since the subject has been investigated with a passionless judgment, that persecution invariably accompanied the realization of a particular class of doctrines, fluctuated with their fluctuations, and may therefore be fairly presumed to represent their action upon life."

Lecky derives religious persecution from the intensity of religious conviction, and the belief that there is no salvation beyond the limits of a certain system of orthodoxy. But here we must decidedly dissent from him. That the degree of ear-

\* Lecky says ("*Hist. of Rationalism in Europe*," vol. ii., p. 28): "The writer, who was destined to consolidate the whole system of persecution, to furnish the arguments of all its later defenders, and to give to it the sanction of a name that long silenced every pleading of mercy and became the glory and the watch-word of every persecutor, was unquestionably Augustin, on whom, more than any other theologian,—more perhaps even than on Dominic and Innocent,—rests the responsibility of this fearful curse." In his earlier writings Augustin condemned persecution, but he changed his view during the Donatist controversy, and retracted his condemnation in his *Retractions*. Although he had himself been a Manichæan heretic, he considered heresy the greatest crime. It must be added, however, that his heart did not sympathize with his head, and that he exerted his influence to change the death-penalty into banishment.

nestness and exclusiveness of belief determines the degree of severity of persecution, we admit; but we utterly deny that orthodoxy in any shape is necessarily persecuting. Otherwise, Christ and the apostles would have been the greatest persecutors, at least in principle, as they could not be in fact. Religious convictions were as deep and strong in the first three centuries, when orthodox Christians suffered from persecution, as in the Middle Ages, when orthodox Christians persecuted Jews, heretics, and infidels. There are now in America plenty of Catholics, Episcopalians, Congregationalists, Presbyterians, Lutherans, who are as orthodox, as sincere, as earnest, even as exclusive in their theological opinions, as their ancestors, and who yet utterly disavow their persecuting principles and practices. They all profess the opposite principle of toleration and freedom.

We maintain, then, that persecution is consistent with, and inseparable from, the union of church and state; while religious freedom is the inevitable result of a peaceful separation of the two. Church and state are as distinct as soul and body, as eternity and time. The state represents the law, protects life, property, and all the rights of citizens; it promotes their temporal welfare, and enforces its authority by temporal rewards and temporal punishments. The church represents the gospel, promotes the spiritual and eternal welfare of man, and deals with spiritual rewards and spiritual punishments. The state is intrusted with the sword for the punishment of evil-doers. The church exercises discipline by admonition, deposition, and excommunication; and these punishments are simply remedial, and look toward repentance and restoration. Civil punishment for civil offenses; spiritual punishment for spiritual offenses.

The founder of the Christian religion settled the question of principle in a few words, the wisest ever uttered in answer to an entangling question: "Render to Cæsar the things that are Cæsar's, and render to God the things that are God's." Here is separation of church and state, not as two hostile forces, but as two legitimate institutions equally necessary for society and entitled to our loyalty and obedience. The celebrated Leopold Ranke, who, as a youthful octogenarian, is publishing a history of the world, declares in the third part (1883), where he reverently touches upon the origin of Christianity, the sentence just quoted to be "the most important and influential word of



Christ," and adds: "Jesus saw in religion a sacred jewel of man which can and ought not to be darkened by any political addition or interference."

This is, we may say, the American idea of religion, and the sense of the article in our Constitution which forbids Congress to legislate on the subject of religion, or to prohibit the free exercise thereof. We make a distinction between religious toleration and religious liberty. Toleration is an expedient and a concession; liberty is a principle and a right. We tolerate what we cannot prevent, though we may hate it; we tolerate even a nuisance, if it is unavoidable. The government of the Sultan tolerates the Christian sects, though every Turk despises the Christian "dogs," and would kill them all if he could. But religion is the most sacred possession of man; it belongs to his inmost soul; it connects him with his Maker; it inspires him to do good; it enables him to suffer wrong; it fortifies him against danger and temptation; it cheers and comforts him in affliction; it dispels the darkness of death by opening the vision of an endless life beyond. It is too sacred to be dragged into the arena of politics. Freedom of religion, like freedom of thought and of speech and of the press, is one of the inalienable rights of man, and it is the most valuable and fundamental of these rights, which the Government is bound to protect like every other right, and which it ought never to curtail or oppress. Freedom, of course, is limited by duty to our fellow-men. No one has a right to interfere with the freedom of his neighbor. The Government, in guarding and protecting the liberty of all, cannot allow any one to abridge the liberty of others, or to endanger the peace and order of the community. All Christian denominations and sects (with the exception, perhaps, of Mormonism) have proved not only consistent with, but actually favorable to the preservation and promotion of the national peace and welfare.

This theory is as old as Christianity itself. It entered into the world and fought its way through a hostile world by the purely moral force of truth and righteousness. Tertullian, in the second century, gave vigorous utterance to this view when he boldly challenged the heathen persecutor, and told him: "It is no part of religion to force religion (*nec religionis est cogere religionem*); everybody has a natural right and power to wor-

ship God according to his conviction; all compulsion in matters of conscience is wrong, and no form of worship has any value whatever, except as far as it is the voluntary homage of the heart."\* Lactantius also, a contemporary of Constantine, and tutor of his son Crispus, condemned persecution in the strongest terms, which he never recalled. "Religion," he says, "is the most voluntary thing (*nihil est tam voluntarium quam religio*); when the mind and heart are not in it, it ceases to be religion."† Even Constantine himself at first, after his victory over Maxentius at the Milvian Bridge, which decided the downfall of idolatry and the triumph of Christianity, proclaimed the policy of toleration to all religions of the empire (A. D. 313). The decree gives both to Christians and all others the right to follow whatever religion they please (*"et Christianis et omnibus potestatem sequendi religionem quam quisque voluisset"*). But this was merely a temporary policy to pave the way for the introduction of Christianity as the state religion, and this, of necessity, involved the gradual suppression of paganism. The instinct and tradition of power in the head of the Roman empire was too strong to abandon the prerogative of a supervision of public worship.

Nevertheless, the voice of liberty and the protest against persecution was never silent. Every persecuted sect in the church became a witness for toleration and for the sacred rights of conscience. The blood of martyrs became the seed of religious liberty.

We cannot trace the history of liberty through the Middle Ages and modern times, but we may indicate briefly the most salient points. The battle was fought chiefly in England. The Reformation broke down the tyranny of the papacy. The Puritan rebellion revolted against the semi-papery of Archbishop Laud and the Stuart dynasty. The restoration of episcopacy and royalty, under Charles II., apparently destroyed all that had been gained, but by its own folly provoked the Revolution of 1688, with the Act of Toleration (1689). This, for the first time, gave a breathing-spell to non-conformists, and allowed them to organize separate self-supporting and self-governing churches, though with certain restrictions, as the subscription

\* *Ad. Scapulam*, c. 2; *Apol.* c. 24.

† *Inst. div.*, V. 20.

of thirty-six out of the thirty-nine Articles of the Church of England.\*

From that time dates the division of English Christianity into several distinct and independent organizations, which had previously existed only as parties struggling for recognition. The same toleration was gradually extended to Unitarians, Roman Catholics, and Jews, who may now sit in Parliament, and occupy all but a few of the highest offices of the government. To all intents and purposes, the subjects of Queen Victoria enjoy as much religious liberty as the citizens of the United States. Nevertheless, England still holds to the principle of establishment, and distinguishes between the national church and the dissenting sects; or rather she recognizes two ecclesiastical establishments, episcopacy in England, and presbytery in Scotland, the Queen being the supreme governor of both, and taking the holy communion from an Anglican bishop when in England, and from a Presbyterian pastor when in Scotland. Episcopalians are dissenters in Scotland; Presbyterians are dissenters in England. This is a curious anomaly, which is not likely to outlast the present century. The experience in Ireland and the United States proves that neither the Episcopal Church in England, nor the Presbyterian Church in Scotland, is likely to lose anything in moral and spiritual force by being disestablished and placed on the voluntary principle of self-support and self-government.

The United States made an important step beyond England to the full recognition of religious liberty, and equality of all churches and sects within the limits of public morality and order. This was evidently the providential aim of the settlement of the country by colonists from all nations and churches of Europe, seeking freedom from persecution for the sake of their religious convictions. Puritans, Quakers, and Catholics from England, Presbyterians from Scotland and Ireland, Huguenots from France, Lutherans from Salzburg, German

\* The Act (1 William and Mary, c. 18), designated "An Act for Exempting their Majesties' Protestant subjects Dissenting from the Church of England from the Penalties of certain Laws," does not relax the provisions of the Corporation and Test Acts, and excludes Roman Catholics and Unitarians; it requires from all dissenting preachers an approval of the thirty-six doctrinal articles, but allows them on this condition to hold assemblies for religious worship with open doors, and permits the Quakers in certain cases to substitute an affirmation for an oath. It is very far, therefore, from the modern theory of religious freedom.

Reformed from the Palatinate, fled from persecution or vexation to this country to worship God according to the dictates of their consciences; while Episcopalians, Dutch Reformed, and other colonists, who were not molested at home, set up their churches. Several of the colonies, especially Massachusetts and Virginia, were at first exclusive in their policy, but they were forced to yield to circumstances, and to make concessions to the growing number of Dissenters in their jurisdiction. The battle began in Virginia with the Revolution and Declaration of Independence; and by the combined influence of Dissenters (Presbyterians, Baptists, Quakers, Methodists), of liberal Episcopalians, and the Deistic Jefferson (who fought for freedom of unbelief), the Episcopal establishment was sacrificed to the principle of equal justice to all, and the separation of church and state was carried through the Virginia Legislature in successive acts from 1776 to 1785.

The General Government was inevitably led to the same position from the beginning of its existence. It never had any connection with a church, and hence found no rights which might be violated. It arose from a combined effort of all the colonies for political independence, and the establishment of a separate nationality. Religious motives and aims did not enter into the contest at all, but members of all denominations took part in it. Hence, the only way for the framers of the Federal Constitution, after the close of the war, was either to ignore religion altogether, or more wisely, to guarantee full religious liberty to all American citizens within the jurisdiction of the United States. The latter was done in justice to the people. The Constitution, adopted under Washington in 1787, provides (Act VI., section 3) that "No religious tests shall ever be required as a qualification to any office or public trust under the United States." And to make the matter more plain and emphatic, the first amendment to the Constitution, enacted by the first Congress in 1789, declares:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or abridging the freedom of the press, or of the rights of the people peaceably to assemble, and to petition the Government for a redress of grievances."

This important amendment which was suggested by several State legislatures in the interest of religious liberty, has a nega-

tive and a positive feature: it prevents Congress from ever recognizing one religion or church to the exclusion of the rest, and thus effectually prevents persecution; but it secures equal liberty to all churches and sects. It puts religion on a par with other fundamental and inalienable rights of man. Congress was not influenced by the spirit of infidelity or even indifference, like the French Revolution, which began with proclaiming universal toleration and ended with the abolition of Christianity; but, on the contrary, it was animated by respect for religion as a domain which belongs to the Lord of conscience and lies beyond the competency of political rulers. This difference accounts in large measure for the fact that the French Republic failed, while the American Republic succeeded. Religious liberty is the best, yea, the only safe basis of civil liberty. Church and state were not set opposite to each other as foes, but side by side, as two different spheres of the social life, in the conviction that each had best restrict its jurisdiction to its own immediate concerns, because the attempt of one to rule the other was sure to issue disastrously. The power of the state is consequently, in the United States, reduced to narrower limits than in Europe, where it controls the church also. The American status of the church differs from the hierarchical patronage of the state by the church, from the imperial and royal patronage of the church by the state, and also from the pre-Constantinian separation and persecution of the church by the heathen state. The United States present a new phase in the history of the relation of the two powers.

This separation between church and state is not to be understood as a separation of the nation from Christianity, for the state represents, in America, only the temporal interests of the people. The independent churches care for the religious and moral interests; and the people are religious and Christian as much as any other, and express their sentiments in different ways,—by the voluntary support of their numerous churches, by benevolent organizations of every kind, by attendance upon public worship and respect for the ministry (who are second to none in dignity and influence), by a strict observance of Sunday (which is not equaled elsewhere, except in Scotland), by constant zeal for home and foreign missions, by reverence for the Bible, by a steady stream of edifying books, tracts, and periodicals, and by their public morals. Congress nominates chaplains of dif-

ferent confessions and opens every sitting with prayer. The President appoints chaplains for the army and navy. Fast-days have been frequently observed in particular emergencies, as in 1849, during the cholera; in 1865, on the assassination of President Lincoln; and in 1881, on the death of President Garfield. A Thanksgiving-day is yearly celebrated in November in all the States, on the proclamation of the President and the concurrent action of the different governors. Indeed, religion, it may be justly claimed, has all the more hold upon the American character, just because it is left to the personal conviction and free choice of every man.

Religion thrives best in the atmosphere of freedom. This is the lesson of American Church history.

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